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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,241	08/17/2001	Doug Rollins	500964.01	4822

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EXAMINER

HERNANDEZ, OLGA

ART UNIT PAPER NUMBER

2144

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/932,241

**Applicant(s)**

ROLLINS, DOUG

**Examiner**

Olga Hernandez

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32, 34-38, 40-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Gold et al (2002/0053044).

As per claim 1, 2, 11 and 16, Gold discloses:

- a memory device coupled to a processor, the memory device containing an embedded operating system that is executed by the processor (figures 2 and 3);
- a network communication circuit coupled to the processor allowing the processor to communicate over a computer network with computer resources coupled to the network (paragraph [0067] and [0076] and figures 5 and 9); and
- a mass storage device coupled to the processor for storing user preference data and user file data may be accessed by the processor (figures 2, 3, paragraphs [0067] and [0068]).

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The term broadband is widely used to cover a range of connection speeds. Using different range of connection speeds to get the same result in networking system it is just routine skill in the art. In re Brown, 459 F. 2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

As per claims 5, 19, 29 and 40, Gold discloses the use of a hard drive (paragraph [0004]).

As per claims 6 and 20, Gold discloses hard disk comprising a user preference partition and a user file data partition that store associated user preference data and user file data, respectively, with the data in each partition being capable of being set to desire values independently of the data in other partition (paragraphs [0067] and [0068]).

As per claims 7 and 21, Gold discloses the use of resetting devices (paragraph [0007], [0076], [0078], [0081]).

As per claims 3, 12, 17 and 27, Gold discloses the cable communication means (figure 1).

As per claims 10, 24, 32 and 43, Gold discloses the user input and output deices (figures 2, 5, 8, 9).

As per claim 14, Gold discloses the network means including access to the Internet (paragraphs [0035], [0039], [0086]).

As per claims 9, 15, 23, 31 and 42, Gold discloses the use of flash memory (paragraph [0004]).

As per claims 4, 13, 18, 28 and 39, a modem is a device, which converts data signals into a suitable form for transmission over a communications medium, and recovers data from the received communication link. Voiceband modems are a special class of modems which convert data signals into tones within the bandwidth allocated for voice. Digital radio systems use another class of modems to modify a radio frequency carrier to convey a digital information stream. The generic name used to refer to the family of Digital Subscriber Line technologies. Includes ADSL, HDSL, VDSL, RADSL and SDSL. It is being used by Local Exchange Carriers (LECs) to transport higher bandwidth digital signals on the copper twisted wire pairs already in place in telephone company access networks.<sup>1</sup>

As per claims 8 and 22, Gold discloses default values being adjustable and the memory comprising a resetting device for the parameters of the default (paragraphs [0003], [0083] and [0085]).

As per claims 25, 30, 34, 36, 37, 41, 44, 45 and 46, Gold discloses:

- a memory device coupled to the processor, the memory device containing an embedded operating system that is executed by the processor, the embedded operating system including at least one system parameter (figures 2 and 3);
- a first reset device coupled to the memory device, the first reset device operable, when activated, to set at least one of the system parameters of the embedded operating system to a desired value (paragraphs

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<sup>1</sup> LexiCat Dictionary Copyright 1995-1998

[0007], [0035], [0076], [0077], [0078], [0081], [0082], [0083], [0085] and [0086]);

- a network communication circuit coupled to the processor, the network communication circuit being adapted to allow the processor to communicate over a computer network with resources coupled to the network (paragraph [0067] and [0076] and figures 5 and 9); and
- a mass storage device coupled to the processor, the mass storage device including a user preference partition and a user file data partition that contain user preference data and user file data, respectively, that may be accessed by the processor (figures 2, 3, paragraphs [0067] and [0068]);
- a second reset device coupled to the mass storage device, the second reset device operable, when activated, to set at least some of the user preference data to desired values (paragraphs [0007], [0035], [0076], [0077], [0078], [0081], [0082], [0083], [0085] and [0086]);; and
- a third reset device coupled to the mass storage device, the third reset device operable, when activated, to set at least some of the user file to desired values (paragraphs [0007], [0035], [0076], [0077], [0078], [0081], [0082], [0083], [0085] and [0086]).

As per claims 26, 35 and 37, the term broadband is widely used to cover a range of connection speeds. Using different range of connection speeds to get the same

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result in networking system it is just routine skill in the art. In re Brown, 459 F. 2d 531, 535, 173 USPQ 685, 688 (CCPA 1972).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gold et al (2002/0053044) in view of Puente et al (2003/0033606).

Gold does not teach the second network executing the router program to cache files on the mass storage device and provide users coupled to the second network with selected cached files responsive to user requests for the selected files. However, teaches it in paragraph [0010]. Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to provide the best option for delivery of Internet Protocol (IP) video services (streaming media).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is 571-272-7144. The examiner can normally be reached on Mon-Thu 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 571-272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Olga Hernandez', is written over the signature line.

Olga Hernandez  
Primary Examiner  
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